

United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LARRY RICHARDS,
Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of
Social Security,
Defendant

No. C-08-1532 MMC

**ORDER DENYING PLAINTIFF'S
"PARTIAL MOTION FOR
ENLARGEMENT OF TIME";
CERTIFYING NOTICE OF APPEAL AS
NOT TAKEN IN GOOD FAITH;
DIRECTIONS TO CLERK**

The Court is in receipt of plaintiff's motion, filed June 5, 2008, titled "Partial Motion for Enlargement of Time Within Which to File Either Request for Permission to File Motion for Reconsideration, or in the Alternative, Motion for Enlargement of Time to File Notice of Intent to Appeal, or in the Alternative, Notice of Intent to Appeal by Right and Designation of Record on Appeal."

To the extent plaintiff seeks an enlargement of time to file a motion for reconsideration or a notice of appeal, the motion is DENIED, for the reason plaintiff fails to show good cause for any extension.

As indicated by the title of the instant filing, plaintiff has requested, in the alternative, that such filing be considered a "Notice of Intent to Appeal by Right and Designation of Record on Appeal." The Court construes this alternative request as a notice of appeal.

1 Where a party has been permitted to proceed in forma pauperis in a district court
2 action,¹ that party is not permitted to proceed in forma pauperis on appeal if the district
3 court certifies the appeal is not taken in good faith. See Fed. R. App. P. 24(a)(3). Here, for
4 the reasons stated in the Court's May 5, 2008 order dismissing the instant action, the Court
5 finds the instant action lacks any merit and that plaintiff's appeal from the judgment entered
6 on the order of dismissal is frivolous. Accordingly, the Court certifies the instant notice of
7 appeal is not taken in good faith.

8 The Clerk is directed to forward to the Ninth Circuit Court of Appeals plaintiff's filing
9 of June 5, 2008, construed as a notice of appeal, along with a copy of the instant order.

10 **IT IS SO ORDERED.**

11
12 Dated: June 6, 2008

13 
14 MAXINE M. CHESNEY
15 United States District Judge

16
17
18
19
20
21
22
23
24
25
26
27
28

¹By order filed April 7, 2008, the Court granted plaintiff's application to proceed in
forma pauperis.